

# The Gazette of India

## EXTRAORDINARY PART II—Section 2 PUBLISHED BY AUTHORITY

No. 14] NEW DELHI, FRIDAY, APRIL 1, 1960/CHAITRA 12, 1882

### LOK SABHA

The following Bill was introduced in Lok Sabha on the 1st April, 1960:—

#### Bill No. 12 of 1960

*A Bill to consolidate and amend the Law relating to the contempt of Court.*

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Contempt of Courts Act, 1960. Short title,  
extent and  
commence-  
ment.

5 (2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires, "Contempt Definition.  
of Court" means—

10 (i) abusing or scandalizing a Judge in the discharge of his duties as Judge; or

(ii) using obscene or indecent language in Court or about or to a Judge in the discharge of his duties; or

(iii) criticising the conduct of a party in a pending case; or

15 (iv) imputing motive to a Judge in his order or judgement:

Provided that if the comment or criticism is true and made in the interest of administration of justice or with the object of bringing about a reform or change in law or in the administration of justice or on some pending or proposed legislation, it shall not amount to a  
20 contempt of Court.

Pending  
Judicial  
Proceeding.

3. A Judicial Proceeding shall be deemed to be pending if steps have been taken to initiate the proceeding by an act known to the public or which the public is expected to know.

Powers of  
the Courts in  
India to  
punish for  
contempt.

4. (1) The Supreme Court of India shall have power to punish for contempt of itself. 5

(2) Each of the High Courts of India shall have power to punish for contempt of itself and of all courts subordinate to it.

Initiation of  
Proceedings.

5. (1) The Supreme Court or the High Court may, as the case may be,—

(i) either upon a petition supported by an affidavit; or 10

(ii) on its own motion; or

(iii) upon a report made to it by the Subordinate Court, issue a notice upon any person to show cause why a proceeding should not be started against him for contempt of Court.

(2) Such notice shall be in the form of a notice of motion and be 15 accompanied by,—

(i) a copy of the petition, if it has been issued on a petition;

(ii) a copy of an affidavit by the Registrar stating the facts alleged, the source of information and the nature of the allegation if it has been issued on its own motion; or 20

(iii) a copy of the report, if it has been issued on a report of a Subordinate Court;

and shall state the date on which it shall be returnable.

(3) On the date so fixed the person upon whom notice has been 25 issued may file a return to the notice either,—

(a) by a counter affidavit if the notice is accompanied by an affidavit; or

(b) by a written statement if it is accompanied by a copy of the report of a Subordinate Court. 30

(4) Upon such return being filed the Court may,—

(i) either drop the proceedings; or

(ii) hear the parties and upon such hearing either,—

(a) drop the proceedings; or

(b) issue a notice upon him to show cause why he should not be committed for contempt of Court, fixing a date of hearing for the same.

(5) The Court shall at least a fortnight before the date fixed for hearing on the oral or written application (without affidavit and on which no court-fee need be paid) and may on its discretion supply the person against whom notice has been issued, a list of witnesses who are likely to give evidence against him, specifying the point or points on which each of them are to give evidence and as far as possible a substance of their evidence, which shall in the case of a notice issued on a petition be supplied by the petitioner in the Court and in the case of a report of the Subordinate Court and other cases by the Registrar or the clerk of the Court at the time when the notice is issued.

5 of 1898. (6) The Court shall thereupon proceed to hear the case on the date fixed for hearing and on such dates to which the matter may be adjourned from time to time in accordance with the procedure laid down in the Code of Criminal Procedure, 1898, for trial of summons-case and deliver its judgment at the end of the hearing.

20 (7) If the Court convicts the person, it shall procure the judgment at the end of the hearing or on such other date to which it may be adjourned.

5 of 1898. (8) Notwithstanding anything contained in this Section the Court may try an alleged offence of Contempt of Court in accordance with the procedure laid down under Section 480 or 481 of the Code of Criminal Procedure, 1898, if the contempt has been committed in presence of the Court, or within the Court and sight of the Presiding Officer of the Court.

30 6. Any person found guilty of Contempt of Court shall be punished- Punishment. able with simple imprisonment for six months or with fine, or with both.

7. Any person convicted under this Act by the High Court may Appeal. appeal to the Supreme Court of India against the judgment and order of the Court within thirty days of the judgment of the Court. 35 The accused shall immediately upon conviction be entitled to a copy of the judgment free of cost for the purpose of appeal and if he informs the Court of his intention to appeal the court shall stay its order for a week in order to enable him to file the appeal.

**Bar to hearing.**

8. Notwithstanding anything hereinbefore contained or contained in any law, for the time being in force, a Judge or Judges who issue notice on their own motion or against whom allegations have been made or who are aggrieved by the contempt of court shall not try or hear the case.

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**Transfer.**

9. Notwithstanding anything hereinbefore contained or contained in any law, for the time being in force, the Supreme Court may transfer a case pending before a High Court under this Act to another High Court.

**Repeal and Saving Clause.**

10. The Contempt of Courts Act, 1952, and the Rules made by the various High Courts in India are hereby repealed.

All persons convicted and sentenced under this Act shall if in prison be released forthwith and all fines imposed which have not been realised under this Act shall be remitted and all proceedings pending under this Act shall be terminated.

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Except for the above all acts done, convictions and sentences passed and fines imposed shall be deemed to have been made, passed and imposed under this Act.

**Indemnity.**

11. Notwithstanding anything hereinbefore contained or contained in any Act for the time being in force no person convicted under the Contempt of Courts Act, 1926 or Contempt of Courts Act, 1952 shall be disqualified from holding an office, becoming a member of any public body or authority or practising a profession nor shall his name be removed from the Register or Roll maintained under any Act including those of Advocates, Pleaders, Medical Practitioners, etc., etc.

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## STATEMENT OF OBJECTS AND REASONS

The Constitution of India has authorised the Supreme Court and the High Courts to punish for Contempt of itself and the Contempt of Courts Act, 1952 has authorised the High Court to punish contempts of subordinate Courts. The Constitution has authorised the Parliament to make laws for Contempt of Court.

Neither the Constitution nor the Contempt of Courts Act, 1952 have defined contempt of court, nor has the Act laid down the procedure for a trial of case for Contempt of Courts, various High Courts in India followed various proceedings. Some have framed their Rules; others have not. Several High Courts do not follow even a uniform procedure. This uncertainty has resulted in great confusion.

Hence this Bill.

•NEW DELHI;  
The 1st March, 1960.

BIBHUTI BHUSHAN DAS GUPTA.

M. N. KAUL,  
*Secretary.*

